

Exhibit “A”

Netanel Newberger

From: Michael Mule
Sent: Thursday, April 18, 2024 7:03 PM
To: mfeinman@scohnlaw.com; Matin Emouna
Cc: Michael Mule; Netanel Newberger; Kyle Monaghan
Subject: AutoExpo Ent. Inc. et al v. Elyahou et al; Rule 26(f) Conference; Draft Discovery Worksheet
Attachments: AutoExpo v. Elyahou -- Draft Discovery Worksheet (April 18) (MCM edits).docx

Matt and Matin,

Thank you for participating in the Fed. R. Civ. P. 26(f) conference today. Under Fed. R. Civ. P. 16(b), the Court must issue a scheduling order after receiving the parties Rue 26(f) report. Also, a scheduling order must be issued within 90 days after any defendant has been served. All defendants were served on February 7, 2024. So, we are coming up to the 90-day deadline as set forth under the Rules. Therefore, as we discussed earlier today, attached is our draft discovery plan worksheet containing the dates we propose.

With respect to the reciprocal/agreed upon discovery occurring in the first 60 days (Phase I in the worksheet), we believe the following would assist our client in meaningfully evaluating the case for a settlement conference, and are, thus, the items we are requesting be completed within the initial 60-day period:

- Via sworn interrogatory answers, identification of:
 - All banks and accounts (*i.e.*, identification of multiple accounts at a single bank) used by each of the defendants SimpSocial LLC (“SimpSocial”) and its subsidiaries or affiliates, Fifty-Seven Consulting LLC d/b/a Certified Performance Motors (“Certified”) and its subsidiaries or affiliates, and Omid Elyahou (“Elyahou”);
 - Company(ies) and person(s) who designed Certified’s inventory system or were consulted regarding Certified’s inventory system, and all communications with those company(ies) and person(s);
 - Certified employees, and independent contractors performing sales and/or finance department functions for Certified, from Certified’s formation, with start and end dates; and
 - All email account addresses and cell phone numbers used by Elyahou, Eitan and Fazeeda Kassim (“Kassim”).
- Documents:
 - Bank records showing all transactions from Jan. 2020 to present (via Plaintiff AutoExpo Ent. Inc. (“AutoExpo”)’s third-party subpoenas to each bank);
 - All transactions between Elyahou, Eitan, their related entities (including but not limited to SimpSocial and Certified);
 - All emails and text messages between Elyahou, Eitan and Kassim from Jan. 2020 to present discussing the following topics:
 - Certified business strategy or ownership
 - AutoExpo
 - AutoExpo’s employees or vendors
 - Dealer agreements with banks
 - Corporate records, including state filings, operating agreements, unit certificates, transfer ledgers for Certified and SimpSocial.

We propose filing the worksheet with Magistrate Judge Steven Tiscione no later than April 25, 2024, and requesting an initial conference for purposes of issuing a scheduling order. To that end, please send us your feedback and counterproposals by Monday (Tuesday, April 23, 2024) so we have time to further confer ahead of April 25.

As noted on the call, the requested information and documents in Phase 1 is for the purpose of advancing a potential settlement conference, if any, and therefore those requests are significantly narrower than the scope of discovery in this action, and are made without any waiver and full reservation of rights to pursue all relevant discovery in this action.

Thank you all and talk soon.

Sincerely,

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DISCOVERY PLAN WORKSHEET Magistrate Judge Tiscione	
Phase I (Pre-Settlement Discovery)	
Deadline for completion of Rule 26(a) initial disclosures and HIPAA-compliant records authorizations: <i>(Reciprocal and agreed upon document production and other discovery necessary for a reasoned consideration of settlement. Presumptively 60 days after Initial Conference.)</i>	May 2, 2024
Completion date for Phase I Discovery as agreed upon by the parties: <i>(Reciprocal and agreed upon document production and other discovery necessary for a reasoned consideration of settlement. Presumptively 60 days after Initial Conference.)</i>	June 13, 2024 (This is 42 days from May 2, 2024, the date for initial disclosures)
Date for initial settlement conference: <i>(Parties should propose a date approximately 10-15 days after the completion of Phase I Discovery, subject to the Court's availability)</i>	June 26, 2024
Phase II (Discovery and Motion Practice)	
Motion to join new parties or amend the pleadings: <i>(Presumptively 15 days post initial settlement conference)</i>	July 11, 2024
First requests for production of documents and for interrogatories due by: <i>(Presumptively 15 days post joining/amending)</i>	July 26, 2024
All fact discovery completed by: <i>(Presumptively 3.5 months post first requests for documents/interrogatories)</i>	November 15, 2024
Exchange of expert reports completed by: <i>(Presumptively 30 days post fact discovery)</i>	December 16, 2024
Expert depositions completed by: <i>(Presumptively 30 days post expert reports)</i>	January 15, 2025
COMPLETION OF ALL DISCOVERY BY: <i>(Presumptively 9 months after Initial Conference)</i>	March 26, 2025
Final date to take first step in dispositive motion practice: <i>(Parties are directed to consult the District Judge's Individual Rules regarding such motion practice. Presumptively 30 days post completion of all discovery)</i>	April 25, 2025
Do the parties wish to be referred to the EDNY's mediation program pursuant to Local Rule 83.8?	TBD